



PATENT
Attorney Docket No. 00537-178003 / 082/US/PCT2/US-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: : EXAMINER: **Zachary Tucker**
Christophe Thurieau et al. : ART UNIT: **1624**

APPLICATION NO.: **10/771,725** :
FILED: **February 4, 2004** :
FOR: **Imidazolyl Derivatives** :

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as Express mail EV 921127125 US with sufficient postage on the date indicated below and is addressed to the Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450.
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Commissioner of Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §3.73(b) AND § 1.321(b)

Pursuant to 37 C.F.R. §3.73(b), Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S., a corporation duly organized under the corporate laws of France, hereby certifies that it is the Assignee of the entire right, title, and interest in the above application by virtue of:

A chain of title from the inventors of the patent application identified above to the current Assignee as shown below:

1. From Christophe Alain Thurieau, Lydie Francine Poitout, Marie-Odile Galcera and Christophe-Phillippe Moinet to Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S. The document was recorded in the Patent and Trademark Office at Reel 014932, Frame 0466 on July 29, 2004.

2. From Thomas D. Gordon and Barry A. Morgan to Biomeasure, Incorporated, Milford, Massachusetts, U.S.A. The document was recorded in the Patent and Trademark Office at Reel 015285, Frame 0197 on October 25, 2004.

3. From Biomeasure, Inc. to Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S. The document was recorded in the Patent and Trademark Office at Reel 015285, Frame 0222 on October 25, 2004.

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Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S., also hereby certifies that it is the Assignee of the entire right, title, and interest in co-pending U.S. Patent Application Serial No. 10/333,556 filed January 22, 2003 by virtue of:

A chain of title from the inventors of co-pending U.S. Patent Application Serial No. 10/333,556 to the current Assignee as shown below:

1. From Christophe Alain Thurieau, Lydie Francine Poitout, Marie-Odile Galcera, Christophe-Phillippe Moinet and Dennis C. H. Bigg to Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S. The document was recorded in the Patent and Trademark Office at Reel 011709, Frame 0410 on April 12, 2001.

2. From Thomas D. Gordon to Biomeasure, Incorporated, Milford, Massachusetts, U.S.A. The document was recorded in the Patent and Trademark Office at Reel 012271, Frame 0972 on October 15, 2001.

3. From Barry A. Morgan to Biomeasure, Incorporated. The document was recorded in the Patent and Trademark Office at Reel 011982, Frame 0769 on September 21, 2001.

4. From Biomeasure, Inc. to Société de Conseils de Recherches et d'Applications Scientifiques, S.A.S. The document was recorded in the Patent and Trademark Office at Reel 012026, Frame 0856 on October 2, 2001.

The undersigned has reviewed all the documents in the chain of title of the above-identified applications and, to the best of undersigned's knowledge and belief, title to both is in the Assignee identified above.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a provisional double patenting rejection, the Assignee identified above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of any U.S. patent to be granted upon co-pending U.S. Patent Application Serial No. 10/333,556 filed January 22, 2003. Further, any patent granted on the above identified application shall be enforceable only for and during such period that

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it is commonly owned with any patent granted upon co-pending U.S. Patent Application Serial No. 10/333,556 filed January 22, 2003.

The Assignee identified above does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory terms of any patents granted upon co-pending U.S. Patent Application Serial No. 10/333,556 filed January 22, 2003 in the event that any related patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of their statutory term, except for the separation of legal title as stated above.

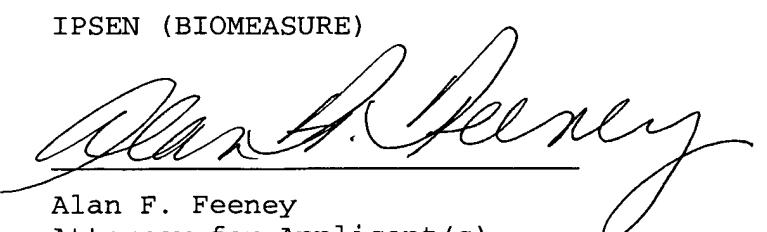
This disclaimer runs with any patent granted on the above application and any patent granted on co-pending U.S. Patent Application Serial No. 10/333,556 filed January 22, 2003 and is binding upon the grantee, its successors or assigns.

Enclosed is authorization to charge for the required fee pursuant to 37 C.F.R. § 1.20(d).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
IPSEN (BIOMEASURE)

Date: 4/5/2004


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